

REMARKS

In response to the Office Action mailed March 12, 2007, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claim 1 has been amended. In addition, new claims 27 and 28 have been added. As a result, claims 1-20 and 26-28 are pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Objection to Drawings

The Examiner objected to writing, particularly exemplary dimensions, in Figures 12, 13, and 15. The Examiner also objected to multiple views in Figure 12. Accordingly, the Applicant has submitted replacement sheets including Figures 12A, 12B, 12C, 13, and 15 to address the informalities, and the Applicant has amended the specification to refer to the new figure numbers. Accordingly, the Applicant respectfully submits that the objection to the drawings may be withdrawn.

Rejection of Claims 1-20 and 26 Under 35 U.S.C. § 112

The Examiner rejected claims 1-20 and 26 Under 35 U.S.C. § 112, second paragraph. In particular, the Examiner asserted that the phrase "a front surface adjacent to said siding panel" renders claim 1 indefinite. The Applicant respectfully submits that claim 1 is directed to a paneling unit that is comprised of a siding panel and a backing panel. The backing portion is secured to the siding panel such that a front surface of the backing portion is adjacent to the siding panel. In light of this

explanation, the Applicant respectfully submits that claims 1-20 and 26 are not indefinite, and the rejection may be properly withdrawn.

Rejection of Claims 1-16, 18-20, and 26 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-16, 18-20, and 26 under 35 U.S.C. § 103(a) as being obvious over Manning et al. in view of Bynoe. The Applicant respectfully traverses the rejection and maintains the remarks that were previously set forth.

The Applicant has also amended claim 1 to more clearly describe an exemplary embodiment of the invention. The cited references fail to teach or suggest a paneling unit in which a rear surface of a backing portion of the unit has a plurality of drainage grooves. In order to clarify this distinction, claim 1 has been amended to more clearly set forth that the siding panel is secured to the backing portion to form a unit that is ready for installation.

There is no motivation for one of ordinary skill in the art to modify the references as suggested by the Examiner. Many reasons have already been presented as to why one of ordinary skill in the art would be not be motivated to combine the references as suggested by the Examiner. It should also be noted that one of ordinary skill in the art would not look to Bynoe in order to improve the paneling unit of Manning et al. As has already been noted, Bynoe relates to a non-analogous art of roofing construction. There are numerous shortcomings in this regard which have already been discussed in detail. In light of such shortcomings, the Applicant also respectfully directs the Examiner's attention to the fact that Bynoe is directed to a roofing construction that

does not utilize a unit of a siding panel and backing portion that is ready for installation. One of ordinary skill in the art would not be motivated to consult a roofing construction that is not installed as a unit or even as siding and has a very different construction and method of operation. In view of such drastic differences, there is no teaching or motivation provided by either of the references that the siding unit of Manning et al. suffers from the same problems as Bynoe or that the siding unit of Manning et al. is in need of the specific features of Bynoe. As a result, one of ordinary skill in the art would not be motivated to consult Bynoe in order improve a paneling unit of Manning et al. as asserted by the Examiner. In fact, it must be noted that Bynoe issued as a patent approximately 16 years prior to the patent of Manning et al. The modifications asserted by the Examiner would have certainly been implemented during that significant time span if there was any motivation to make such modifications. Without such motivation to combine the references as asserted by the Examiner, the Applicant respectfully submits that the cited references cannot support this rejection. Furthermore, in view of the shortcomings of the references with respect to claim 1, the Applicant respectfully submits that any rejections of the dependent claims have been rendered moot.

Rejection of Claim 17 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being obvious over Manning et al. in view of Bynoe and further in view of Phillips et al. The Applicant respectfully traverses the rejection and maintains the remarks that have been previously set forth.

App. No. 10/688,750
Amendment transmitted June 12, 2007
Re: Office Action mailed March 12, 2007

Furthermore, the shortcomings of Manning et al. in view of Bynoe with regard to claim 1 have been set forth above. Phillips et al. fails to overcome those shortcomings with regard to claim 1. Therefore, the Applicant respectfully submits that Manning et al. in view of Bynoe and further in view of Phillips et al. cannot support the rejection of claim 17 under 35 U.S.C. § 103(a).

App. No. 10/688,750
Amendment transmitted June 12, 2007
Re: Office Action mailed March 12, 2007

Conclusion

The Applicant has distinguished claims 1-20 and 26-28 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: June 12, 2007

/Jeffrey C. Norris/

Jeffrey C. Norris
Registration No. 42,039
Standley Law Group LLP
495 Metro Place South
Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Fax: (614) 792-5536
E-mail: jnorris@standleyllp.com